

## **EXHIBIT A**



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	}	MDL No. 1456
AVERAGE WHOLESALE PRICE	}	
LITIGATION	}	CIVIL ACTION: 01-CV-12257-PBS
<hr style="border: 0.5px solid black; margin: 10px 0;"/>		
THIS DOCUMENT RELATES TO	}	Judge Patti B. Saris
01-CV-12257-PBS AND 01-CV-339	}	

**PLAINTIFFS' REQUEST FOR PRODUCTION TO DEFENDANTS REGARDING HHS  
ASPs**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and LR D. Mass. 26.5 and 34.1, and pursuant to case management orders of this Court including the March 25, 2004 Order, the plaintiffs hereby request that each defendant produce the documents requested herein.

**I. DEFINITIONS**

1. Plaintiffs incorporate by reference herein all "Definitions", "Rules of Construction", "Instructions", "Drugs at Issue" "Relevant Time Period" from Plaintiffs Omnibus Requests For Production And Interrogatories To Defendants Abbott, Amgen, Aventis, Baxter, Bayer, Boehringer, Braun, Dey, Fujisawa, Novartis, Pfizer, Pharmacia, Sicor, TAP And Watson And To All Other Defendants With Respect To Drugs That Were Not Previously Subject To Discovery.

2. "Federal Health Care Regulators" means CMS, the United States Department of Health and Human Services, the Health and Human Services Office of the Inspector General, the General Accounting Office, Congress or any other federal institution, agency, department, or office concerned with pharmaceuticals.

3. "Interim Medicare Regulations" means Section 303, "Payment Reform for Covered Outpatient Drugs and Biologicals", of the *Medicare Prescription Drug, Improvement, and Modernization Act of 2003*, Public Law 108-173, and the Interim Final Rules promulgated by CMS and reported in the Federal Register, including, but not limited to, actions released January 7, 2004 and April 6, 2004.

**II. REQUESTS FOR PRODUCTION**

1. All documents showing ASPs or ASP information you have provided for any AWPID pursuant to the Interim Medicare Regulations.

2. All documents, including internal memoranda and meeting notes, concerning the Interim Medicare Regulations.



3. All documents passing between you and Federal Health Care Regulators concerning the Interim Medicare Regulations.

DATED: May 26, 2004

By: /s/ Thomas M. Sobol

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing Plaintiffs' Request for Production to Defendants Regarding HHS ASPs to be served on all counsel of record electronically on May 26, 2004, pursuant to Section D of Case Management Order No. 2.

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